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Our File No.: 4889010001

February 18, 2010

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Notice of Ex Parte Meeting
Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities
CC Docket No. 03-123**

Dear Ms. Dortch:

On February 17, 2010, Claude L. Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"); Shane H. Feldman, Chief Operating Officer, National Association of the Deaf ("NAD"); Lise Hamlin, Director of Public Policy & State Development, Hearing Loss Association of America; Cheryl Heppner, Vice Chair, Deaf and Hard of Hearing Consumer Advocacy Network; Elizabeth T. Spiers, Director of Information Services, American Association of the Deaf-Blind; and the undersigned counsel to TDI, met with Angela Kronenberg, Legal Advisor to Commissioner Mignon Clyburn.

We discussed the following matters:

- The Telecommunications Relay Service ("TRS") functional equivalency requirements of Section 225 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 225, the dynamic nature of these requirements, and the differing functional equivalency needs of people with different types of hearing and speech disabilities. Attached are copies of the following handouts that we provided: (1) Samples of Functional Equivalence Using VRS; (2) Captioned Telephone Service from Ultratech's website; and (3) summary of a Meeting Regarding Captioned Telephone Service that representatives of HLAA, NAD, TDI, DHHCAN, the Alexander Graham Bell Associations of the Deaf and Hard of Hearing ("AG Bell"), the American Association of People with Disabilities ("AAPD"), and the American Speech-Language-Hearing Association ("ASHA") held with Mark Stone, Deputy Chief, Consumer and Government Affairs Bureau, on November 5, 2009.

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- The apparent decision of the National Exchange Carrier Association (“NECA”) to categorically withhold payment for certain types of calls, regardless of whether fraud or abuse was involved in the call. We explained that NECA improperly relied upon the September 18, 2009 CGB Order, DA 09-2084, dismissing in part the Petition for Rulemaking to Clarify Relay Rules filed by Purple Communications, Inc. on August 12, 2009 (the “CGB Order”). We explained that in addition to the reasons specified in the Application for Review filed by the Consumer Groups on October 19, 2009, the CGB Order was inconsistent with Section 64.604(a)(3)(ii) of the rules, 47 C.F.R. § 64.604(a)(3)(ii), which requires that “[r]elay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so.” We also requested that the Commission expeditiously grant review and reverse the unlawful CGB Order.

Very truly yours,



Eliot J. Greenwald

Cc (by e-mail): Angela Kronenberg
Claude L. Stout
Shane H. Feldman
Lise Hamlin
Cheryl Heppner
Elizabeth T. Spiers

Samples of Functional equivalence using VRS

NorCal Services for Deaf & Hard of Hearing is one of the 8 sister deaf agencies in California serving Region 7 (24-northeastern California).

Below are just a few excerpts I took from recent 5-page report we sent to the state of California (January):

- Deaf man who relocated to California from Michigan with his family requested assistance obtaining medical insurance coverage. He told our staff that he was denied medical coverage and showed staff denial letters from Welfare and Medi-Cal. Since consumer is SSI/SSDI recipient, NorCal staff contacted the Social Security Administration office via VRS and was told that the Consumer's Medicare was active for doctor and hospital services. Staff then contacted Welfare via VRS who informed our staff that consumer was not eligible for Medi-Cal because he already had Medicare. Staff explained to consumer and suggested that his girlfriend apply for Medi-Cal for herself and their son. Staff assisted consumer's girlfriend, also deaf, in applying for medical coverage for herself and their child. At the time, staff learned that the girlfriend was 4 months pregnant and did not have access to prenatal care. NorCal staff then assisted in completing the paperwork for Welfare, recommended that the pregnant consumer enroll in the Women, Infant and Children (WIC) program and then referred the consumer to a county clinic. Staff contacted the clinic via VRS to advocate and ensure an interpreter for all of pregnant consumer's appointments. Staff also provided information about public transportation for the family to get to their appointments at the clinic. **OUTCOME:** Family now has medical coverage and the pregnant mother is receiving prenatal care with interpreting services.
- Hard of Hearing parolee, in preparation for his release from prison, contacted our office via mail and requested advance assistance in obtaining an interpreter for his initial parole meeting and assistance with housing, funding and medical care. Upon receiving signed consent forms from the consumer, our office contacted the Parole office via VRS and was told that he could not have an interpreter. Staff referred the parolee to his department's disability accommodation procedures. The Parole office apologized for the oversight and told staff that the parolee needed to fill out the request form before he could request an interpreter. Staff mailed the paperwork to the parolee with instruction. Parolee returned completed paperwork to NorCal who then forward to the Parole office and confirmed interpreting services for parolee's parole appointment. In addition, NorCal staff made many calls for housing and clothing. **OUTCOME:** With the benefit of an interpreter for his parole meeting, Parolee understood the conditions and rules of his parole. Staff successfully obtained housing and free clothes, and assisted the parolee with his application for emergency funds and SSDI/SSA benefits.
- NorCal conducted a conference call via VRS with Sac County Sheriff, CPS, and Hospital to serve a deaf teen runaway survivor of domestic and sexual

violence from 10pm til 4am. **OUTCOME:** Team effort resulted in removing deaf teen from the home to a safe place with services in ASL.

CONCERNS AND PROPOSED SOLUTIONS FOR ADDRESSING IDENTIFIED CONCERNS:

- **Money Scams:** We are seeing an increase in the number of consumers falling victims to instant messaging, VRS, and email scam messages that they have won the lottery or qualify for free money.
 - We will plan another workshop on this topic, need for FCC to do more Consumer outreach and education workshops.
- **Rising costs of living:** Consumers are contacting our office for assistance through Email and VP because they cannot afford to make the trip to our office as a result of higher gas costs, food costs, electric bills, and loss of employment.
 - Staff is making more field visits to provide services and support, and using laptops to call VRS via aircards. Becomes difficult particularly in rural areas where broadband access is not available.
- **Medi-Cal and Medicare:** Benefits previously covered by Medi-Cal, Denti-Cal and Medicare are being reduced or cut. Many consumers are paying a high share-of-cost for doctor visits and prescriptions. They do not know that they can shop around for a more affordable plan via VRS.
 - Staff assists clients in locating medical/dental providers that will accept the coverage.
- **Domestic Violence** – Several clients continue to experience the waves and cycles of DV. Depression, fear, anxiety and other erratic behavior interfere with the ability to follow through in getting counseling, communicating with others, getting proper medical care, finding housing and other daily living needs via VRS. Staff provide assistance with survivor to make these contacts via VRS. Extremely important that VRS has qualified interpreters for such calls when survivor does this on her own.
- **Information on government websites:**
Staff and consumers complain they are unable to access information on government websites where videos webcast live or archived are not closed captioned for deaf and hard of hearing viewers. Need for FCC to enforce existing regs and deaf-friendly complaint process using Video msgs instead of written English.

Other:

For the month of January, received 2,360 individual requests for information and referrals via VRS. in person, and email.

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Meeting Regarding Captioned Telephone Services

Office of Chairman Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
November 5, 2009

Attendees

Sherrese Smith - Legal Advisor for Media, Consumer and Enforcement Issues, Federal Communications Commission (**FCC**)

Organizational Representatives

Lise Hamlin, Director of Public Policy, Hearing Loss Association of America (**HLAA**)

Jay Wyant, President, Alexander Graham Bell Association of the Deaf and Hard of Hearing (**AG Bell**)

Jenifer Simpson, Senior Director, Government Affairs, American Association of People with Disabilities (**AAPD**)

Ingrida Lusi, Director, Federal and Political Advocacy, American Speech-Language-Hearing Association (**ASHA**)

Cheryl Heppner, Vice Chair, Deaf and Hard of Hearing Consumer Advocacy Network (**DHHCAN**)

Rosaline Crawford, Director, Law and Advocacy Center, National Association of the Deaf (**NAD**)

Jim House, Public Relations Director, Telecommunications for the Deaf and hard of Hearing (**TDI**)

Via phone:

Sheri Ann Farinha, vice chair, California Coalition of Agencies Serving the Deaf and Hard of Hearing (**CCASDHH**)

Agenda

- I. What is Captioned Phone Services (CTS): An Overview
- II. Issues
 - a. State limits on the number of individuals who may have access to captioned telephone services and/or lack of marketing
 - b. Some states limit access to phone service for out of state users
 - c. Some states' interpretation of FCC rules are not in sync with others
 - d. Single provider issue
 - e. Impact of the absence of a federal mandate on consumers
- III. Conclusion

We request the FCC initiate and complete a rulemaking proceeding for the purpose of mandating captioned telephone relay service nationwide over the public switched telephone network (PSTN)



**Meeting Regarding Captioned Telephone Services
Office of Chairman Genachowski
Federal Communications Commission
November 5, 2009**

Consumer organizations request the Federal Communications Commission initiate and complete a rulemaking proceeding for the purpose of mandating captioned telephone relay service nationwide over the public switched telephone network (PSTN) for the following reasons:

- The FCC has found captioned telephone relay service to be the only functionally equivalent relay service that can meet the unique needs of a particular population of individuals with hearing loss whose needs have not been met by other relay services approved by the Commission;
- The FCC's record, compiled in response to petitions filed in 2005 and 2009 requesting a captioned telephone relay service mandate, contains extensive comments from captioned telephone relay users attesting to the ways that this service has restored their independence, privacy, and productivity and enabled them to end their isolation, secure and retain employment, participate in civic affairs, conduct commerce, engage in recreational activities, and communicate with their families;
- Current state-imposed limitations on the number of individuals who may have access to captioned telephone relay services is impeding the ability of such individuals to have access to telephone service, in violation of the Americans with Disabilities Act's (ADA's) guarantees of nondiscriminatory telephone service and the Communications Act's universal service mandate;
- Current state-imposed limitations on the ability of captioned telephone users to access captioned telephone relay services when they change state jurisdictions is impeding the ability of such individuals to have access to telephone service, in violation of the ADA's guarantees of nondiscriminatory telephone service and the Communications Act's universal service mandate;
- The above state-imposed restrictions on the provision of captioned telephone relay service have been in existence for the six years since the FCC first approved this service in 2003, and are not likely to end without direction from the FCC.